

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

EUGENE SNYDER, JR.,)	CASE NO. 5:12 CV 255
)	
Petitioner,)	JUDGE DONALD C. NUGENT
)	
v.)	<u>ORDER ADOPTING</u>
)	<u>REPORT AND RECOMMENDATION</u>
WARDEN BUCHANAN, ROSS)	
CORRECTIONAL INSTITUTION,)	
)	
Respondent.)	

This matter comes before the Court upon the Report and Recommendation of Magistrate Judge George J. Limbert. The Report and Recommendation (ECF #12) is hereby ADOPTED. Petitioner filed a petition for writ of habeas corpus pursuant to 28 U.S.C. §2254, challenging the constitutionality of his conviction for aggravated murder, felonious assault, and tampering with evidence. The Petition alleged violations various due process violations, based on allegedly improper jury instructions, the court's refusal to grant Petitioner's mistrial request, and the admission of improper evidence. The Petition also alleged that the evidence presented at trial insufficient to sustain the conviction. (ECF #1). Magistrate Judge Limbert found that the claims and two were procedurally barred and that all claims lacked merit. He recommended, therefore, that they should all be denied. (ECF #12). The Petitioner timely filed his objections

to the Magistrate's Report. (ECF #13).

The Court has reviewed *de novo* those portions of the Magistrate Judge's Report and Recommendation to which objection has been made. *See* FED. R. CIV. P. 72(b). The Court finds Magistrate Judge Limbert's Report and Recommendation to be thorough, well-written, well-supported, and correct. The Court finds that Petitioner's objections raise no arguments (factual or legal) that have not been fully addressed by the Magistrate's Report and Recommendation.

The Magistrate's Report and Recommendation fully and correctly addresses all of the Petitioner's claims and the Petitioner's objections are unwarranted. This Court, therefore, adopts the Magistrate's Report in its entirety. Further, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); FED. R. APP. P. 22(b). Petitioner's motion for habeas corpus is hereby DENIED. IT IS SO ORDERED.

/s/ Donald C. Nugent
DONALD C. NUGENT
United States District Judge

DATED: August 17, 2012